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TAGS: [PARM](#) [PREL](#) [MOPS](#)  
SUBJECT: GUIDANCE ON CONVENTION ON CLUSTER MUNITIONS

11. (SBU) Summary: On December 3, the Convention on Cluster Munitions will be opened for signature in Oslo, Norway. The United States will neither sign this Convention nor participate as an observer in the ceremonies. Many of our allies and partners will sign this Convention at the Head of State or Foreign Minister level. Posts should expect questions and criticism of the United States position. Posts may draw on the talking points in paragraph 2 to address these questions or in making any statements to the press. The Department also requests that Posts report back on any official government statements concerning the signing of the Convention or any significant press coverage. All posts will receive demarche instructions septel, except for Belgrade and Zagreb, which will receive the septel for info. End Summary.

12. (U) Begin Talking Points:

U.S. Views on the Convention on Cluster Munitions (CCM):

- The United State will not sign the CCM.
- We share the humanitarian concerns of the signatories to the CCM but believe that the Convention does not balance both humanitarian and national security considerations.
- The CCM constitutes a ban on most types of cluster munitions; such a general ban on cluster munitions will put the lives of our military men and women and those of our coalition partners at risk.

- Cluster munitions are legitimate weapons that provide a vital military capability when used properly and in accordance with existing international humanitarian law. No other weapon offers an equivalent combination of range, destructive power, and responsiveness as cluster munitions. Moreover, there are no easy substitutes for these area-effect weapons, and alternatives (e.g., carpet bombing, massed artillery barrages) have very pronounced and potentially more adverse humanitarian consequences. Use of cluster munitions can result in less collateral damage to civilians and civilian infrastructure than unitary weapons.

- If the United States adhered to this ban it could require U.S. forces to fire many times more non-cluster projectiles to achieve the same objectives on certain missions, risking greater collateral damage. The United States does not rule out that these missions may be part of future military operations given the range of our security commitments worldwide.

#### U.S. Efforts to Address the Humanitarian Concerns Associated with Cluster Munitions:

- Secretary Gates signed the U.S. Department of Defense on Cluster Munitions and Unintended Harm to Civilians on

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June 19, 2008, concluding a year-long review that addresses both humanitarian concerns and national security considerations.

- According to the new U.S. cluster munitions policy, by the end of 2018, the Defense Department will cease to employ cluster munitions which, after arming, result in more than 1 percent unexploded ordnance across the range of intended operational environments. For further details on the new cluster munitions policy, please contact the Defense Department. (This policy found at [http://www.defenselink.mil/news/d20080709cmpo\\_licy.pdf](http://www.defenselink.mil/news/d20080709cmpo_licy.pdf).)

- The United States takes a comprehensive approach to dealing with explosive remnants of war (ERW) of all types, as embodied in Protocol V of the Convention on Conventional Weapons (CCW). The United States is the single largest donor in this area, having provided well over \$1.4 billion in aid to clear landmines and other ERW, including unexploded cluster munitions, since 1993.

- We continue to support the conclusion of a protocol within the framework of the CCW that addresses both the humanitarian and national security concerns associated with the use of cluster munitions. Unlike the CCM, the CCW framework encompasses all major military powers and stockpilers of cluster munitions.

#### U.S. Position on a Cluster Munitions Protocol in the CCW:

- The United States strongly supports the negotiations on cluster munitions within the framework of the CCW.

- We are deeply disappointed that the CCW States Parties could not reach agreement on a new protocol on cluster munitions in 2008 which is due to a group of states that blocked progress on this important humanitarian effort. We will continue to fully support the efforts to conclude a cluster munitions protocol in the CCW in 2009.

- We came very close to reaching an agreement on a draft CCW protocol, but a number of states demanding provisions similar to the CCM that would not achieve consensus in the CCW.

- The draft text left on the table during the November 2008 session of the CCW would have provided real

humanitarian benefit by phasing in requirements for technical improvements that would affect the majority of the world's cluster munitions, which are largely held by states that will not sign the CCM. In the end, we left significant humanitarian benefits on the table with a number of delegations arguing that the decision to do so was motivated solely by humanitarian concerns. (For more information, refer to the November 13, 2008, statement by the U.S. Head of Delegation to the CCW meeting on cluster munitions at [http://geneva.usmission.gov/ccw/statements/11\\_13ClosingStatement.html](http://geneva.usmission.gov/ccw/statements/11_13ClosingStatement.html).)

13. (U) For more information on any of the topics please see reftel paragraphs 7-10 or go to the Cluster Munitions Summary page on the DOS website: <http://www.state.gov/t/pm/wra/c25930.htm>.  
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